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JUN 07 2010

OFFICE OF PETITIONS

In re Application of :
Mosteret et al. :
Application No. 10/767,401 : DECISION ON PETITION
Filed: January 29, 2004 :
Attorney Docket No.: AUROR1190-1 :

This is a decision on the renewed petition filed under 37 CFR 1.137(b) in the above-identified application filed on February 5, 2010.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely submit a reply to the non-final Office action mailed on June 8, 2009. The Notice set an extendable three-month reply period of September 8, 2009. Accordingly, this application became abandoned on September 9, 2009. A Notice of Abandonment was mailed on December 29, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) 1.

As to item (1), although petitioner has provided an amendment, a complete reply requires that petitioner also provide new corrected drawings in compliance with 37 CFR 1.121(d) as required in the June 8, 2009 Office action.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
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Any questions concerning this matter may be directed to the undersigned at (571) 272-3215.



Charlema Grant
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Office of Petitions